

ASSEMBLY BILL

No. 565

Introduced by Assembly Member Bloom

February 14, 2017

An act to amend Section 17958.11 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 565, as introduced, Bloom. Building standards: alternative building regulations: artists' housing.

Existing law authorizes any city or county to adopt alternative building regulations for the conversion of commercial or industrial buildings to joint living and work quarters.

This bill, on or before ____, would require a city or county to adopt these alternative building regulations, and would specify that these regulations include provisions for housing artists, artisans, and other similarly situated individuals, as described. This bill would also require a city or county that has already adopted alternative building regulations to amend those regulations, on or before ____, to include provisions for housing artists, artisans, and other similarly situated individuals.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 17958.11 of the Health and Safety Code is amended to read:

17958.11. (a) ~~Any~~ (1) *On or before _____, a city or county may shall* adopt alternative building regulations for the conversion of commercial or industrial buildings, or portions thereof, to joint living and work quarters. As used in this section, “joint living and work quarters” means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which include (1) cooking space and sanitary facilities in conformance with local building standards adopted pursuant to Section 17958 or 17958.5 and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein.

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(2) *The* alternative building regulations adopted pursuant to this section shall be applicable in those geographic areas specifically designated for such occupancy, or as expressly permitted by a redevelopment plan with respect to a redevelopment project area. The alternative building regulations need not impose the same requirements as regulations adopted pursuant to Section 17922, except as otherwise provided in this section, but in permitting repairs, alterations, and additions necessary to accommodate joint living and work quarters, the alternative building regulations shall impose such requirements as will, in the determination of the local governing body, protect the public health, safety, and welfare.

(3) (A) *The alternative building regulations adopted pursuant to this section shall include provisions for housing for artists, artisans, or similarly situated individuals where the household may be comprised of multiple adults and children and at least one member of the household is an artist, artisan, or similarly situated individual. The regulation shall not require that the artist, artisan, or similarly situated individual derive an income from the art or creative work.*

(B) *On or before _____, a city or county that adopted alternative building regulations pursuant to paragraph (1) prior to the effective date of the act adding this paragraph shall amend those regulations to include provisions for housing for artists, artisans,*

1 *or similarly situated individuals where the household may be*
2 *comprised of multiple adults and children and at least one member*
3 *of the household is an artist, artisan, or a similarly situated*
4 *individual. The regulation shall not require that the artist, artisan,*
5 *or similarly situated individual derive an income from the art or*
6 *creative work.*

7 (b) The Legislature hereby finds and declares that a substantial
8 number of manufacturing and commercial buildings in urban areas
9 have lost manufacturing and commercial tenants to more modern
10 manufacturing and commercial premises, and that the untenanted
11 portions of such buildings constitute a potential resource capable,
12 when appropriately altered, of accommodating joint living and
13 work quarters which would be physically and economically suitable
14 particularly for use by artists, artisans, and similarly-situated
15 individuals. The Legislature further finds that the public will benefit
16 by making such buildings available for joint living and work
17 quarters for artists, artisans, and similarly-situated individuals
18 because (1) conversion of space to joint living and work quarters
19 provides a new use for such buildings contributing to the
20 revitalization of central city areas, (2) such conversion results in
21 building improvements and rehabilitation, and (3) the cultural life
22 of cities and of the state as a whole is enhanced by the residence
23 in such cities of large numbers of persons regularly engaged in the
24 arts.

25 (c) The Legislature further finds and declares that (1) persons
26 regularly engaged in the arts require larger amounts of space for
27 the pursuit of their artistic endeavors and for the storage of
28 materials therefor, and of the products thereof, than are regularly
29 found in dwellings, (2) the financial remunerations to be obtained
30 from a career in the arts are generally small, (3) persons regularly
31 engaged in the arts generally find it financially difficult to maintain
32 quarters for their artistic endeavors separate and apart from their
33 places of residence, (4) high property values and resulting rental
34 costs make it particularly difficult for persons regularly engaged
35 in the arts to obtain the use of the amount of space required for
36 their work, and (5) the residential use of such space is accessory
37 to the primary use of such space as a place of work.

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39 (d) *It is the intent of the Legislature that local governments have*
40 *discretion to define geographic areas which may be utilized for*

1 joint living and work quarters and to establish standards for such
2 occupancy, consistent with the needs and conditions peculiar to
3 the local environment. The Legislature recognizes that building
4 code regulations applicable to residential housing may have to be
5 relaxed to provide joint living and work quarters in buildings
6 previously used for commercial or industrial purposes.

7 *(e) For purposes of this section, an artist, artisan, and similarly*
8 *situated individual includes, but is limited to, all of the following:*

9 *(1) A person who works in, or is skilled in, any of the fine arts,*
10 *including, but not limited to, painting, drawing, sculpture, books*
11 *arts, printmaking, and mixed media.*

12 *(2) A person who creates imaginative works of aesthetic value,*
13 *including, but not limited to, literature, poetry, photography, music*
14 *composition, choreography, architecture, film, and video.*

15 *(3) A person who creates functional art, including, but not*
16 *limited to, metal, textile, paper, wood, ceramic, glass, or plastic*
17 *objects.*

18 *(4) A performer or theatrical artist, including, but not limited*
19 *to, singers, dancers, musicians, actors, and performance artists,*
20 *and costume, lighting, sound, and set designers.*

21 *(5) In all arts disciplines a designer, technician, craftsperson,*
22 *teacher, or administrator who is dedicated to using their expertise*
23 *within his or her community to support, promote, present, teach,*
24 *or propagate their art form, or to do all of these, through events,*
25 *activities, performances, and classes.*

26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.